

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL NO. 1:20CR45-06
(Judge Keeley)

KAYLIE MARIE JONES,

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATION CONCERNING PLEA OF GUILTY
(DKT. NO. 155) AND GRANTING MOTION FOR MODIFIED
PRESENTENCE REPORT AND EXPEDITED SENTENCING (DKT. NO. 166)

On February 5, 2021, the defendant, Kaylie Marie Jones ("Jones"), appeared before United States Magistrate Judge Michael J. Aloi to enter a plea of GUILTY to Count One of the Indictment. Jones stated she understood that the magistrate judge is not a United States district judge, and consented to pleading before the magistrate judge. This Court had referred the guilty plea to the magistrate judge for the purposes of administering the allocution pursuant to Federal Rule of Criminal Procedure 11, making a finding as to whether the plea was knowingly and voluntarily entered, and recommending to this Court whether the plea should be accepted.

Based upon Jones's statements during the plea hearing and the government's proffer establishing that an independent factual basis for the plea existed, the magistrate judge found that Jones was competent to enter a plea, that the plea was freely and voluntarily given, that she was aware of the nature of the charges against her

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and the consequences of her plea, and that a factual basis existed for the tendered plea. He entered an Report and Recommendation Concerning Plea of Guilty in Felony Case ("R&R") (dkt. no. 155), finding a factual basis for the plea and recommended that this Court accept Jones's plea of guilty to Count One of the Indictment. He further directed the parties to file written objections to the R&R and advised that failure to file objections would result in a waiver of the right to appeal from a judgment of this Court based on the R&R.

The parties having filed no objections, the Court **ADOPTS** the magistrate judge's R&R, **ACCEPTS** Jones's guilty plea, and **ADJUGES** her **GUILTY** of the crime charged in Count One of the Indictment.

Pursuant to Fed. R. Crim. P. 11(c) (3) and U.S.S.G. § 6B1.1(c), the Court **DEFERS** acceptance of the proposed plea agreement until it has received and reviewed a presentence report prepared in this matter.

On February 15, 2021, the Defendant, Kaylie Marie Jones ("Jones") moved the Court to direct the United States Probation Officer to prepare a modified, rather than a full, presentence investigation report ("PSR") and to schedule Jones's sentencing

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hearing at its earliest convenience. On February 12, 2021, during a hearing on Jones's Motion for Release on Bond, the Government represented that it would not oppose Jones's motion for a modified PSR and expedited sentencing. For good cause, the Court **GRANTS** Jones's motion for a modified presentence report and expedited sentencing hearing (Dkt. No. 166).

Pursuant to U.S.S.G. § 6A1 et seq., the Court **ORDERS** as follows:

1. The Probation Officer shall undertake a modified presentence investigation of Jones, and prepare a modified presentence report for the Court;

2. The Government and Jones shall provide their versions of the offense to the probation officer by **Tuesday, February 23, 2021**;

3. The modified presentence report shall be disclosed to Jones, defense counsel, and the United States on or before **Friday, February 26, 2021**; however, the Probation Officer shall not disclose any sentencing recommendations made pursuant to Fed. R. Crim. P. 32(e) (3);

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4. Counsel may file written objections to the modified presentence report on or before **Monday, March 1, 2021**;

5. The Office of Probation shall submit the modified presentence report with addendum to the Court on or before **Tuesday, March 2, 2021**; and

6. Counsel may file any written sentencing statements and motions for departure from the Sentencing Guidelines, including the factual basis from the statements or motions, on or before **12:00 P.M. on Wednesday, March 3, 2021**.

The magistrate judge remanded Jones to the custody of the United States Marshal Service.

The Court will conduct the sentencing hearing for the defendant on **Thursday, March 4, 2021 at 9:30 A.M.** at the **Clarksburg, West Virginia** point of holding court. An order pursuant to the CARES Act of 2020 will follow regarding holding this proceeding by videoconference as discussed by the parties at the February 12, 2021 motion hearing.

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It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to counsel of record and all appropriate agencies.

DATED: February 19, 2021

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE